



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2305164  
**Applicant Name:** Laurence Hughes / R. Tousley  
**Address of Proposal:** 2340 42<sup>nd</sup> Avenue East

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one (1) parcel containing two existing single family residences into two parcels of land with one single family residence on each. Proposed parcel sizes are: A) 3,285 sq. ft. and B) 2,720 sq. ft.

The following approval is required:

**Short Subdivision** – to subdivide one (1) existing parcel into two (2) parcels of land.  
(Chapter 23.24, Seattle Municipal Code)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site and Area Description**

This rectangular shaped proposal site is approximately 6,005 square feet in area located in a Single Family (SF5000) zone. It is the second lot south of East McGilvra Street at the east side of 42<sup>nd</sup> Avenue East. The proposal site has a 50.00 linear feet of front lot line on 42<sup>nd</sup> Avenue East and approximately 120.09 linear feet of lot depth to an abutting twenty-foot (20') wide existing alley. 42<sup>nd</sup> Avenue East is improved with paved roadway, concrete curbs/gutters, planting strips and concrete sidewalks and the alley is also improved with existing cement concrete pavement. The existing residence on the street side of the lot is not provided with parking and there's no vehicle access off of 42<sup>nd</sup> Avenue East. The existing residence at the rear side of the lot has a vehicle access off of the alley. The existing residences are located more to the north side of the lot with existing nonconforming side yard setbacks from the north side lot line. At the southeast half of the of the lot there are existing large trees raging from eight-inch (8") to sixteen-inch (16") caliper as measured 4.5' from ground. Some small bushes and ground cover are in existence in the south, west half of the lot.

### **Development in the Vicinity**

Zoning in the immediate vicinity of the site are L-3 to the north beyond East McGilvra Street, L-3 to the east, SF5000 to the south, also SF5000 to the west beyond 42<sup>nd</sup> Avenue East. Most of the existing developments within the immediate vicinity are single family residences, but to the north, northeast and east of the block, multifamily developments such as apartments, duplexes and a few single family residences under L-3 standards have occurred. To the south, and to the west beyond 42<sup>nd</sup> Avenue East, the existing developments are single family residences. One existing development across 42<sup>nd</sup> Avenue East and directly west of the project site is a multifamily dwelling, a nonconforming use in a SF5000 zone.

### **Proposal Description**

The applicant proposes to short subdivide one parcel of land containing two existing single family residences into two parcels with one single family residence on each. Proposed parcel sizes are: Parcel A) 3,285 square feet and Parcel B) 2,720 square feet.

Public Notice was published on August 21, 2003 and the comment period ended on September 03, 2003. One comment letter from the public was received. The writer was not opposed to the subdivision of the subject property, but raised issue about utility requirements for new wirings (power) and possibly communication cables that may be required to be installed. It also mentioned about following up a formal complaint regarding land disruptions. This formal complaint never occurred within the stipulated comment period nor was there any formal attempt in writing to extend the comment period.

## **ANALYSIS**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all the following facts and conditions are found to exist. The findings which follow are based upon the information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD), review from the Seattle Public Utilities, Seattle Fire Department, the Seattle City Light, and the review by the Land Use Planner.

***1. Conformance to the applicable provisions and requirements of the Land Use Code, as modified by this chapter;***

The parcels proposed by this subdivision conform to the standards for lot subdivision per SMC 23.24.046 or conforms to all other development standards of the zone. Each of the new lots will contain a minimum of 1,800 square feet for each lot specified by code (SMC 23.24.046.B). The existing structure on each parcel for which the development standards are being waived or modified by SMC 23.24.046 will be treated as nonconforming and is subject to Section 23.41.112 of the Land Use Code.

***2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;***

Each single-family dwelling unit in each parcel is provided with access driveway for vehicles in accordance with Section 23.44.016, parking location and access. Parcel A is to be provided with a vehicle access/driveway off of 42<sup>nd</sup> Avenue E leading into a new garage under the existing single-family dwelling unit. Parcel B has an existing vehicle access/driveway off of the existing improved alley leading into an existing garage under the existing single family dwelling unit. A six-foot (6') pedestrian easement is provided by Parcel A from 42<sup>nd</sup> Avenue E street right-of-way to Parcel B.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

The Seattle City Light has reviewed this short subdivision application and has indicated that no easement is required for electrical service to the proposed lots. Existing electric service for both dwelling units will remain.

***3. Adequacy of Drainage, water supply, and sanitary sewage disposal;***

The City does not have records indicating the manner of stormwater control used by the existing structures. Existing stormwater control system for both dwelling units will not change as a result of this proposal. Per actual site inspection, existing drainage system for the front dwelling unit shows that the stormwater is collected and curb discharged into 42<sup>nd</sup> Avenue E. The stormwater for the rear dwelling unit is also collected and discharged into the concrete paved alley. In the event of new construction and/or addition to the

structures, storm runoff will be collected and discharged through the existing curb on 42<sup>nd</sup> Avenue E and into the public storm drain (PSD). A ten-inch (10") public sanitary sewer in 42<sup>nd</sup> Avenue E now serves both existing single-family dwelling units. Easements for these utilities are provided by the proposed Parcels.

Seattle Public Utilities has reviewed this short subdivision application and approved a Water Availability Certificate (No. 2003-0907) on August 15, 2003. All conditions on the certificate are being met by the existing water service.

***4. Whether the public use and interests are served by permitting the proposal;***

The proposed short subdivision is consistent with the relevant Single Family zone requirements that applies exclusively for lot in a single family zone containing more than one (1) existing single-family dwelling unit and meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in the analysis and decision. The public use and interests are served by permitting the proposed subdivision of land.

***5. Conformance to the applicability provisions of SMC Section 25.09.240, short subdivision and subdivision in environmentally critical area;***

The site is not located in an environmentally critical area.

***6. Whether the proposal is designed to maximize the retention of existing trees;***

Section 23.44.008 I of the Seattle Municipal Code provide that trees shall be required when single-family dwelling units are constructed and this requirement may be met by using tree preservation option or tree planting option. There are four (4) existing trees scattered within the south one-half of the proposed Parcel B; one (1) 8" caliper evergreen, one (1) 10" caliper evergreen, one (1) 16" evergreen, and one (1) 10" deciduous. The applicant chose the preservation option and in addition intended to preserve the existing site landscape. This option meets the requirement of the code in maximizing the retention of existing trees.

***7. Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for purposes of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit:***

Section 23.24.046 of the Seattle Municipal Code provides that a lot in a single-family zone containing more than one (1) existing single-family dwelling unit may be divided as long as each of the following conditions is satisfied:

- a. Each existing single-family dwelling unit was legally established for the records or is eligible to be established as a nonconforming development in accordance with Section 23.42.102.*

Project #9905382 under Permit #711235 was issued on January 14, 2000 and legally established for the records the existing two single-family dwelling units. Both single-family dwelling units were also established as nonconforming development in accordance with Section 23.42.102 of the Land Use Code under the same permit.

- b. Each existing single-family dwelling unit was constructed prior to February 20, 1982.*

As evidenced by DPD records, previous number of building permits for physical addition and/or expansions of the two existing dwelling units date back to 10/06/09, 10/13/20, and 10/25/27.

- c. Each resulting lot has one (1), but no more than one (1), existing dwelling unit.*

Only one single-family dwelling unit is contained in each resulting parcel.

- d. Parking is provided in accordance with Section 23.44.016, parking location and access.*

Accessory parking is provided under each existing single-family dwelling unit of each parcel. Accessory parking for Parcel A is to be accessed off of 42<sup>nd</sup> Avenue E. through a new driveway. Although the provisions of the Code requires access from the improved alley, the physical location of the dwelling unit and the presence of existing large trees and natural features that the applicant chose to retain (in accordance with Section 23.44.008 I, tree requirements) in the south one-half of Parcel B, render the requirement undesirable and impractical. Access to parking for Parcel B is through an existing driveway off the existing improved alley.

- e. Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that: (1) Each existing single-family dwelling unit shall be set back at least three feet (3') from each common lot line in the short subdivision, and (2) No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

From the common lot line, the existing single-family dwelling unit on Parcel A is setback 9.40' and the existing single-family dwelling unit on Parcel B is setback 10.10'. The resulting lot area for Parcel A is 3,285 square feet and for Parcel B, 2,720 square feet. Thus, the configurations in each new parcel meet the requirements of this section of the Land Use Code.

**DECISION**

The proposed Short Subdivision is CONDITIONALLY GRANTED.

**CONDITIONS**

**Prior to Recording**

The owner(s) and responsible party(s) shall:

1. Provide the final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcels or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with the appropriate state statute. The property corners set shall be identified on the plat and the encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the property lines. All existing structures, principal or accessory, shall be shown on the face of the plat and their distances to the proposed lot lines dimensioned. A licensed land surveyor shall stamp and sign the short plat drawings.
2. Insert the following on the face of the plat: "Development standards were waived or modified according to Section 23.24.046 B of the Land Use Code for the structures on Parcels A and B; they will be treated as nonconforming and be subject to Section 23.42.112, nonconformity to development standards".
3. Post an address sign to benefit both dwelling units at a location visible from 42<sup>nd</sup> Avenue E and provide an easement, a covenant, or any legal agreements to ensure that the address signage is maintained.

Signature: (signature on file) Date: December 11, 2003  
Edgardo R. Manlangit, Land Use Planner  
Department of Planning and Development  
Land Use Division

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